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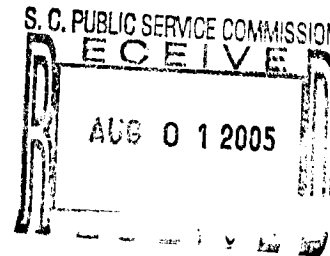
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July 28, 2005



VIA E-Mail

Via: U.S. Mail

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Docket No. 2005-210-E – Application of Duke Energy Corporation (“Duke”) for Authorization to Enter into a Business Combination Transaction with Cinergy Corporation.

Dear Mr. Terreni:

We, as Duke’s local counsel, are in receipt of the Public Service Commission of South Carolina’s Notice of Filing and Hearing Document (“Notice Document”) relevant to the above referenced matter. This Notice Document, *inter alia*, requires Duke to, “Furnish, at your own expense, on or before August 8, 2005 by U.S. Mail, the Enclosed Notice of Filing and Hearing to each affected customer and provide a certification that this notification has been furnished on or before August 29, 2005.”

This requirement would cause Duke to incur considerable expense. There are two options for complying with this requirement, (i) a special mailing to all of Duke’s customers, which is estimated to cost up to \$200,000, or (ii) a bill insert to all of Duke’s customers, which would take approximately thirty five days to complete and would also cause Duke to incur sizable monetary expense.

Due to the considerable expense involved and the fact that even the less expensive alternative would extend past the Commission’s deadline as set forth in its Notice Document, Duke, through counsel, hereby respectfully requests a waiver of the requirement for notice of each affected customer.

Duke's local counsel discussed this matter with Jocelyn Boyd, Esquire on even date. Present on and participating in that telephone conference call was Shannon Bowyer Hudson, Esquire of the South Carolina Office of Regulatory Staff.

We would note for the record that Duke's application in this Docket is pursuant to Section 58-27-1300 South Carolina Code Ann. (1976, as amended). That Section does not appear to require notice to all affected customers.

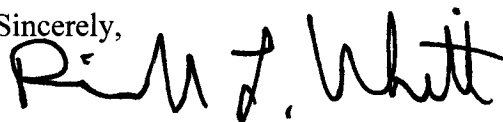
If Duke's request is granted, Duke would still provide notice in newspapers of general circulation in Duke's service territory.

Duke's request is pursuant to R103-821 (C) (3) (a) South Carolina Code Ann. (1976, as amended), and other applicable rules and regulations.

Please advise of your decision on our request at your earliest convenience.

With kind regards, we are

Sincerely,

A handwritten signature in black ink, appearing to read "William F. Austin".

William F. Austin

Richard L. Whitt

RLW/dss

cc: Shannon Bowyer Hudson, Esquire
Florence Belser, Esquire
(both of the South Carolina Office of Regulatory Staff)
Jocelyn Boyd, Esquire